

Appl. No. : **10/701,277**
Filed : **November 4, 2003**

REMARKS

By way of summary, Claims 1–21 were pending in this application. Claims 1, 3–14, and 16–20 were rejected in the Office Action dated March 21, 2006, Claims 15 and 21 were allowed, and Claim 2 was objected as containing allowable subject matter but depending from a rejected claim. By this Amendment, Claims 1, 3, 6, 9, 12, 13, 16, and 19 have been amended and Claims 7 and 10 have been cancelled. Accordingly, Claims 1–6, 8–9, and 11–21 remain pending for consideration in this application, and Applicant respectfully submits that the presently pending claims are in condition for allowance, as set forth herein.

Allowed Claims

Applicant acknowledges with appreciation the Examiner's indication of allowance of Claims 15 and 21 and allowable subject matter in Claim 2. Applicant also expresses appreciation for the Examiner's indication of allowable subject matter recited in Claims 7, 13, and 16–20. In the following remarks, Applicant respectfully requests reconsideration of the remaining pending claims.

Amendments to the Specification and Drawings

Applicant submits herewith amendments to the specification and drawing to overcome the objections set forth in the Office Action. Withdrawal of the objections is respectfully requested.

Claim Amendments

In this Amendment, Claim 1 has been amended to further recite, in part, "wherein the transmission case defines a channel sized and configured to accommodate at least a portion of the movable half of the driven pulley." Claim 3 has been amended to recite, in part, "a spring cavity formed by the crankcase with at least a portion of the spring disposed within the spring cavity," instead of, "a spring cavity formed by the crankcase such that the spring may be disposed therein." Claim 6 has been amended to incorporate many of the Examiner's recommendations set forth in the Office Action and now recites, in part, that "the transmission case is connected to the crankcase by a plurality of bolts, at least one of said bolts being disposed within the perimeter of the movable half of the driven pulley." Claim 7 has been cancelled. Claim 9 has been amended to further recite, in part, "wherein the spring is positioned such that at least one-third of

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the spring is within the cavity.” Claim 10 has been cancelled. Claim 12 has been amended to incorporate many of the Examiner’s recommendations and now recites, in part, that “the transmission case is attached to the crankcase by a plurality of bolts, at least one of said bolts being located within the circumference of the movable half.” Claim 13 has been amended to recite, in part, “movable half,” instead of movable sheave. Claim 16 has been amended to recite, in part, that the “crankcase defines a spring cavity with at least a portion of the spring disposed within the spring cavity.” Amended Claim 19 now recites, in part, that “the transmission case is connected to the crankcase by a plurality of bolts, at least one of said bolts being within the perimeter of the movable half.” Amended Claim 20 now recites, in part, that the “transmission case defines a channel sized and configured to accommodate the movable half of the driven pulley.”

Applicant does not necessarily agree with the characterization of the reference set forth in the Office Action, nor with the rejection of original Claims 1–21. Nevertheless, to expedite the issuance of the pending claims, Applicant has amended the above-referenced claims. Applicant respectfully submits that these amendments are made without prejudice and reserves the right to pursue at a later date claims similar to the original claims.

Rejections based on § 112

Claims 3–7, 12, 13, and 16–20 were rejected in the Office Action under § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this Amendment, Claim 3 has been amended, and Applicant respectfully submits that the § 112 rejection of Claim 3 be withdrawn in view of the amendments. Additionally, Claims 4 and 5 depend from Claim 3, and the rejection should also be withdrawn with respect to these claims. Claim 6 has been amended, and Applicant respectfully submits that the rejections of Claim 6 under § 112 be withdrawn in view of the amendments. Claims 12 and 13 have also been amended, and Applicant respectfully submits that the rejections of the claims under § 112 be withdrawn in view of the amendments. Claim 16 has been amended, and Applicant respectfully submits that the § 112 rejection of Claim 16 be withdrawn in view of the amendments. Additionally, Claims 17 and 18 depend from Claim 16, and the rejections should also be withdrawn with respect to these claims. Claims 19 and 20 have also been amended, and

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Applicant respectfully submits that the rejections of the claims under § 112 be withdrawn in view of the amendments. Accordingly, Applicant respectfully submits the § 112 rejections with respect to all rejected claims should be withdrawn in view of this Amendment.

Rejections based on § 102

Claims 1, 3–6, 8–12, and 14 were rejected under § 102(b) as being anticipated by U.S. Patent No. 6,269,899 to Izumi. In view of the above-noted amendments, Applicant respectfully submits that the presently pending claims are not anticipated by Izumi because the cited reference does not disclose, teach, or suggest all the limitations of the claims. For example, independent Claim 1 now recites, in part, that the “transmission case defines a channel sized and configured to accommodate at least a portion of the movable half of the driven pulley.” Applicant respectfully submits that Izumi does not disclose, teach, or suggest, among other things, such a channel. Accordingly, Applicant respectfully submits that amended Claim 1 is not anticipated by Izumi and that the rejection under § 102 be withdrawn.

Applicant also respectfully submits that amended Claim 9 is not anticipated by Izumi because the cited reference does not disclose all the limitations set forth in the claim. For example, Claim 9 now recites, among other things, that the “spring is positioned such that at least one-third of the spring is within the cavity.” Applicant respectfully submits that Izumi does not disclose, teach, or suggest, among other things, that the spring is positioned such that at least one-third of the spring is within the cavity. Additionally, a review of the dimensions depicted in the Izumi figures provides no support for such a rejection because the reference does not state that the dimensions in the figures are to scale, and “when the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value.” See M.P.E.P. § 2125 (citing *Hockerson-Halberstadt, Inc. v. Avia Group Int’l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000)). Accordingly, Applicant respectfully requests withdrawal of the § 102 rejection of Claim 9 based on Izumi.

Claims 3–6, 8, 11–12, and 14 depend from Claims 1 and 9 and are patentable for at least the same reasons set forth above with respect to Claim 1 and 9 in addition to the patentable subject matter recited in each of the dependent claims. Accordingly, Applicant respectfully submits that the claims are not anticipated by Izumi and that the rejection under § 102 be withdrawn.

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CONCLUSION

Applicant has made a good faith effort to respond to the outstanding Office Action. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to contact Applicant's attorney, at the telephone number below, to resolve any such issue promptly.

Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims of this application have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sept. 21, 2006

By: 

William H. Shreve
Registration No. 35,678
Attorney of Record
Customer No. 20,995
(949) 760-0404

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AMENDMENTS TO THE DRAWINGS

Corrected drawing sheets are being provided herewith for Figures 1-11 in response to the objection to the drawings. Each sheet includes the designation "Replacement Sheet."